

FACE SHEET

(See Instructions on Reverse)

RDB #1189-44

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

L. S. McNeil

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

3-14-90

FILED

In this office of the Secretary of State
of the State of California

APR 02 1990

At 4:34 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Lonella Cruz*

Deputy Secretary of State

For use by Secretary of State only

ENDORSED
APPROVED FOR FILING

APR 02 1990

For use of Office of Adm Law

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark, Chief Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one)
☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
SECTIONS AMENDED:
Sections 69-204, 69-206, 69-208, 69-209 and 69-210
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
N/A
b. DATE OF FINAL AGENCY ACTION
March 15, 1990
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

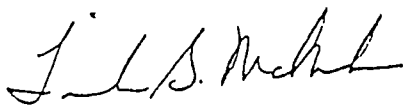
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

PUBLIC NOTICE

April 18, 1990 Public Hearing

ITEM #2
RDP/RCA PROGRAM AMENDMENTS

CHAPTERS

Manual of Policies and Procedures (MPP) 69-204 (Resettlement Agency, Sponsor and County Responsibilities), 69-206 (Eligibility for Refugee Demonstration Project [RDP] or Refugee Cash Assistance [RCA]), 69-208 (Registration, Employment and Employment-Direct Education/Training Requirements), 69-209 (Cause Determinations), 69-210 (Conciliation), 69-211 (Aid Payment), 69-212 (Overpayment/Underpayment Adjustments and Fraud Referrals), 69-213 (Unaccompanied Refugee Minors), and 69-214 (Termination of Aid).

INFORMATIVE DIGEST

These emergency regulations implement the requirements contained in Code of Federal Regulations (CFR), Volume 54, No. 22, dated February 23, 1989, effective July 1, 1989. The proposed regulations amend current eligibility requirements for Refugee Demonstration Project (RDP)/Refugee Cash Assistance (RCA) applicants. These regulations require that RDP/RCA applicants must not have voluntarily quit employment, or refused an offer of employment, or refused employment-related training without good cause within 30-consecutive calendar days prior to application for assistance. The regulations also require nonexempt recipients of RDP/RCA, employed 30 hours a week or less, to accept part-time employability services and amend the exemption criteria for refusal of a job offer by RDP/RCA recipients. Additionally, the regulations require that conciliation begin no later than 10 days following the date that the county welfare department (CWD) is made aware of an RDP/RCA recipients failure to cooperate or within 30 days of the date the recipient failed to cooperate whichever comes first. Furthermore, the regulations require sanctions for non cooperating individuals and require CWDs to ensure certain requirements for participation in job search activities are met as a condition of eligibility for RCA. Finally, these regulations include a requirement which will allow for full-time college attendance for RDP/RCA recipients and repeal good cause criteria from Sections 69-209.4(e) and (j).

COST ESTIMATE

1. Costs and Savings to State Agencies: SDSS has determined that these regulations will have no fiscal impact on state agencies because this program is one hundred percent (100%) federally funded.
2. Costs and Savings to Local Agencies or School Districts: These regulations will have no fiscal impact on local agencies or school districts.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: SDSS has determined that these regulations will result in the following fiscal impact on federal funding to state agencies: 1989-90 - \$1,161,000 (which have been considered in current year spending). 1990-91 - \$2,589,000 (\$351,000 of which have been considered in projection for the Governor's budget).

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not school districts. There are no "state mandated local costs" in these regulations which require State reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the Federal Government within the meaning of Government Code Section 17513.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES AND OF ALTERNATIVES CONSIDERED

SDSS has determined that these regulations will have no fiscal impact on private persons or businesses.

SDSS must determine that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

SMALL BUSINESS IMPACT STATEMENT

SDSS has determined that these regulations will have no adverse fiscal impact on small businesses.

AUTHORITY AND REFERENCE CITATIONS

These regulations are proposed for adoption pursuant to the authority granted by Sections 10553 and 10554 of the Welfare and Institutions Code. The cited references are: 45 CFR 400.75, 45 CFR 400.75(a)(7)(i) and (iii), 45 CFR 400.76(a)(8) and (a)(9), 45 CFR 400.77, 45 CFR 400.78, 45 CFR 400.80(a)(1), (b) and (c), 45 CFR 400.81(b), 45 CFR 400.82(b)(3)(i), and ORR letter from Philip A. Holman to Linda McMahon dated July 6, 1989; and Sections 10553 and 10554, Welfare and Institutions Code.

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY
These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

The following facts constitute the emergency:

1. These regulations implement Federal regulations which govern the basic operation of the State-administered Refugee Resettlement Program. The Federal regulations are effective July 1, 1989, and implement Chapter 2 of Title IV of the Immigration and Nationality Act, added by Section 311(a)(2) of the Refugee Act of 1980 (Public Law 96-212) as amended by the Refugee Assistance Amendments of 1982 (PL 97-363) and the Refugee Assistance Extension Act of 1986 (PL 99-605). (Due to the granting of a State request for waiver, the Federal job search requirements (45 CFR 400.80(a)) are not effective until January 1, 1990).
2. The need to assist applicants and recipients of the Refugee Demonstration Project (RDP) and Refugee Cash Assistance (RCA) and to reduce dependency on public assistance. The changes made to the Federal mandates are focused on self-sufficiency and early employment for newly arrived refugees.
3. These refugee programs are totally Federally funded. If the State regulations are not changed to reflect the new Federal mandates as quickly as possible, the likelihood of noncompliance in the Counties will increase the probable number of Federal audit exceptions in the future.
4. Therefore, in accordance with the above, the Director of the State Department of Social Services finds that in order to preserve the health, safety, and welfare of the public, it is necessary for the Department to adopt regulations on an emergency basis.

INFORMATIVE DIGEST

These emergency regulations implement the requirements contained in Code of Federal Regulations (CFR), Volume 54, No. 22, dated February 23, 1989, effective July 1, 1989. The proposed regulations amend current eligibility requirements for Refugee

Demonstration Project (RDP)/Refugee Cash Assistance (RCA) applicants. These regulations require that RDP/RCA applicants must not have voluntarily quit employment, or refused an offer of employment, or refused employment-related training without good cause within 30-consecutive calendar days prior to application for assistance. The regulations also require nonexempt recipients of RDP/RCA, employed 30 hours a week or less to accept part-time employability services and amend the exemption criteria for refusal of a job offer by RDP/RCA recipients. Additionally, the regulations require that conciliation begin no later than 10 days following the date that the county welfare department (CWD) is made aware of an RDP/RCA recipients failure to cooperate or within 30 days of the date the recipient failed to cooperate whichever comes first. Furthermore, the regulations require sanctions for non cooperating individuals and require CWDs to ensure certain requirements for participation in job search are met as a condition of eligibility for RCA. Finally, these regulations include a requirement which will allow for full-time college attendance for RDP/RCA recipients and repeal good cause criteria from Sections 69-209.4(e) and (j).

COST ESTIMATE

1. Costs and Savings to State Agencies: SDSS has determined that these regulations will have no fiscal impact on state agencies because this program is one hundred percent (100%) federally funded.
2. Costs and Savings to Local Agencies or School Districts: These regulations will have no fiscal impact on local agencies or school districts.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: SDSS has determined that these regulations will result in the following fiscal impact on federal funding to state agencies: 1989-90 - \$1,161,000 (which have been considered in current year spending). 1990-91 - \$2,589,000 (\$351,000 of which have been considered in projection for the Governor's budget).

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not school districts. There are no "state mandated local costs" in these regulations which require State reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the Federal Government within the meaning of Government Code Section 17513.

AUTHORITY AND REFERENCE CITATIONS

These regulations are proposed for adoption pursuant to the authority granted by Sections 10553 and 10554 of the Welfare and Institutions Code. The cited references are: 45 CFR 400.75, 45 CFR 400.75(a)(7)(i) and (iii), 45 CFR 400.76(a)(8) and (a)(9), 45 CFR 400.77, 45 CFR 400.78, 45 CFR 400.80(a)(1), (b) and (c), 45 CFR 400.81(b), 45 CFR 400.82(b)(3)(i), and ORR letter from Philip A. Holman to Linda McMahon dated July 6, 1989; and Sections 10553 and 10554, Welfare and Institutions Code.

INITIAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

This emergency regulations package implements mandates in the Federal Register (Vol. 54, No. 22), dated February 3, 1989, to encourage greater employment and less welfare dependency among recipients of the Refugee Demonstration Project (RDP) and Refugee Cash Assistance (RCA) programs. These mandates became effective July 1, 1989.

These regulations change the eligibility requirements for RDP/RCA applicants by requiring that these refugees must not have voluntarily quit employment, refused an offer of employment, or refused employment-related training without good cause, within 30 consecutive calendar days prior to application for assistance.

These regulations also require nonexempt recipients who are employed 30 hours a week or less, to accept part-time employability services, and revise exemption criteria for refusal of a job offer by RDP/RCA recipients. The regulations require that conciliation begin either: no later than 10 days following the date that the county welfare department (CWD) is made aware of an RDP/RCA recipient's failure to cooperate, or within 30 days of the date the recipient failed to cooperate, whichever comes first.

The regulations revise employment-related sanctions to ensure that aid continued to children and exempt or nonexempt complying adults of the assistance unit.

The regulations also delete Sections 69-209.4(e), (h), (j), (m) and (n) from good cause criteria, and add an additional requirement which allows full-time college attendance by recipients of RDP/RCA. Lastly, the regulations require CWD's to ensure certain requirements for participation in job search are met as a condition of eligibility for RCA, and requires sanction of noncooperating individuals.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are NecessarySection 69-204.33Specific Purpose:

This section is being amended to renumber the references correctly from Section 69-213.3 to Section 69-214.3; Section 69-213.6 to Section 69-214.6; and Section 69-213.8 to Section 69-214.8.

Factual Basis:

These correction of reference citations are changes without regulatory effect and are necessary as a result of restructuring the referenced sections in this filing.

Section 69-206.212

Specific Purpose:

This section is being amended to renumber correctly the reference to Section 69-211 to Section 69-213.

Factual Basis:

This renumbering of the reference citation is a change without regulatory effect and is necessary as a result of restructuring the regulations in this filing.

Sections 69-206.54 through .543

Specific Purpose:

These sections are being added to specify how an RDP/RCA recipient, who is a professional in need of professional refresher training, can attend full-time college in order to qualify to practice his/her licensed profession in the United States.

Factual Basis:

This revision is necessary to comply with 45 CFR 400.81(b) which specifies:

"If an individual is a professional in need of professional refresher training and other services in order to qualify to practice his or her profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training: is approved as part of the individual's employability plan by the State agency, or its designee; does not exceed one year's duration (including any time enrolled in such program in the United States prior to the refugee's application for assistance); is specifically intended to assist the professional in becoming relicensed in his or her profession; and, if completed, can realistically be expected to result in such relicensing."

Section 69-208.11

Specific Purpose:

Current wording for Section 69-208.11 was deleted.

The new wording for this section specifies that an applicant for RDP Unemployed Parent or RCA must not without good cause, within 30 consecutive calendar days immediately prior to the application for assistance have voluntarily quit employment, refused an offer of employment or employment-directed education/training, or refused to participate in a CWD-approved or referred employment-directed education/training program.

Factual Basis:

These requirements are necessary in order to implement the federal mandate of 45 CFR 400.77(a)

Section 69-208.12

Specific Purpose:

This section provides that there are certain conditions which must be met by non-exempt refugees in order to be eligible for cash assistance.

Factual Basis:

This requirement is a lead in for the conditions that follow.

Section 69-208.121

Specific Purpose:

This section is established to specify that as a condition for cash assistance, a nonexempt refugee must register and participate with a DSS-funded, DSS-approved or other CWD-approved and referred employment-directed education/training program; or register and maintain registration with the State Employment Development Department (EDD).

Factual Basis:

This section is established in order to implement the federal mandate of 45 CFR 400.75(a)(i). This requirement was previously contained in Section 69-208.11.

Section 69-208.122

Specific Purpose:

This section has been established to specify that as a condition of eligibility, a non-exempt refugee must register and maintain registration with the State Employment Development Department (EDD) when it is determined that no available DSS-funded or CWD approved project(s) providing employment-direct services can accept the applicant or recipient.

Factual Basis:

This section is established in order to implement the federal mandate of 45 CFR 400.75(a)(i). This requirement was previously contained in Section 69-208.11.

Section 69-208.123

Specific Purpose:

This section was renumbered from Section 69-208.222 to Section 69-208.123.

Factual Basis:

This renumbering is a change without regulatory effect and is only for restructuring purposed.

Section 69-208.124

Specific Purpose:

This section is established to specify that as a condition for cash assistance, a nonexempt refugee must participate in a social service or targeted assistance program which the resettlement agency responsible for the initial resettlement of the refugee deems to be available or appropriate.

Factual Basis:

This section is necessary in order to implement the federal mandate of 45 CFR 400.75 (a)(7)(iii).

Section 69-208.125

Specific Purpose:

This section is established to specify that as a condition for cash assistance, a nonexempt refugee must carry out job search in accordance with the criteria in Section 69-208.2.

Factual Basis:

This section is necessary in order to implement the federal mandate of 45 CFR 400.75 (a)(2).

Section 69-208.126

Specific Purpose:

This section is being renumbered from 69-208.223 to 69-208.126.

Factual Basis:

This renumbering is a change without regulatory effect and is only for restructuring purposes.

Section 69-208.127

Specific Purpose:

This section is established to specify that a condition of eligibility for cash assistance, a nonexempt refugee must appear for employment interviews arranged by the resettlement agency which was responsible for the initial resettlement of the refugee.

Factual Basis:

This section is established in order to implement the federal mandate of 45 CFR Section 400.75(a)(7)(ii).

Section 69-208.128

Specific Purpose:

This section has been renumbered from 69-208.224 to 69-208.128.

Factual Basis:

This renumbering is a change without regulatory effect and is only for restructuring purposes.

Section 69-208.129

Specific Purpose:

This section is being renumbered from 69-208.225 to 69-208.129.

Factual Basis:

This renumbering is a change without regulatory effect and is only for restructuring purposes.

Section 69-208.130

Specific Purpose:

This section is being renumbered from 69-208.221 to 69-208.12(J), and revised to specify that as a condition of eligibility for cash assistance, a non-exempt refugee must accept at any time, from any source, a bona fide offer of employment.

Factual Basis:

This section is being revised to implement the federal mandate of 45 CFR Section 400.75(a)(4)(i).

Section 69-208.13

Specific Purpose:

This section has been renumbered from 69-208.12 to 69-208.13.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-208.14

Specific Purpose:

This section has been renumbered from 69-208.13 to 69-208.14.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purposes of restructuring.

Section 69-208.15

Specific Purpose:

This section is being renumbered from 69-208.21 to 69-208.15.

Factual Basis:

The renumbering of this section is a change without regulatory effect and is only for restructuring purposes.

Section 69-208.16

Specific Purpose:

This section adds the requirement that as a condition of receiving RDP or RCA, nonexempt recipients who are employed 30 hours a week or less must accept part-time employment-directed services, provided that these services do not interfere with the recipient's job.

Factual Basis:

This revision is necessary to comply with 45 CFR 400.78(a), which specifies that people employed 30 hours a week or less shall accept part-time employment-directed services if these services do not interfere with the recipients' job.

Section 69-208.17

Specific Purpose:

This section prohibits nonexempt recipients from voluntarily quitting a job without good cause.

Factual Basis:

This addition is necessary to comply with 45 CFR 400.77(b), which specifies that "As a condition of continued receipt of refugee cash assistance, an employable recipient may not, without good cause, voluntarily quit employment."

Section 69-208.2

Specific Purpose:

This section is being retitled from "Employment and Employment-Directed Training Requirements" to "RCA Job Search Requirements."

Factual Basis:

This section is being retitled to contain job search requirements that are required only in the RCA program. Employment-directed training requirements have been moved to the previous section.

Sections 69-208.21, .211 and .212

Specific Purpose:

These sections instruct CWDs to establish the requirement that employable RCA participants must search for a job beginning within six months of entering the country (or, if the refugees have already been in the country six months, they must begin upon being determined eligible for RCA).

Factual Basis:

These requirements are necessary in order to comply with 45 CFR 400.80(a)(1) and (2), which require job search for RCA recipients and states when the job search must begin.

Sections 69-208.22, .221 and .222

Specific Purpose:

Existing Section 69-208.22 was deleted. New sections 69-208.22, .221 and .222 require job search to continue for a minimum of eight consecutive weeks, and specifies the DSS minimum requirements for job search.

Factual Basis:

This section is necessary to comply with 45 CFR 400.80(b) which requires job search for eight consecutive weeks and specifies that the state agency shall determine the appropriate requirements for job search including the amount of time to be devoted to employer contacts per week or the number of employee contacts required per week.

Section 69-208.23

Specific Purpose:

This section is necessary to provide instructions regarding job search to counties who receive no DSS funding for employment and training activities for refugees, but nonetheless, have an RCA caseload.

Factual Basis:

This section is necessary to comply with 45 CFR 400.80(a) which requires job search for RCA recipients.

Section 69-208.24

Specific Purpose:

This section is being added to ensure that job search is documented in the case files.

Factual Basis:

This section is necessary to comply with 45 CFR 400.80(c) which requires the State agency to implement procedures considered necessary to ensure that the job search requirements are met.

Section 69-208.4j

Specific Purpose:

This section changes the current exemption from registration, employment and employment-directed education/training requirements. The current exemption of a person employed 100 hours or more per month is changed to persons working at least 30 hours a week in unsubsidized employment which is expected to last a minimum of 30 days. It also specifies that the exemption continues to apply during a break in full-time employment of ten or less working days.

Factual Basis:

This section is necessary to comply with 45 CFR 400.76(a) which specifies that a person is exempt when working at least 30 hours a week in unsubsidized employment.

Section 208.4k

Specific Purpose:

This section is being added to specify that pregnancy under certain conditions is considered exempt.

Factual Basis:

This addition is necessary to comply with 45 CFR 400.76(a)(9) which specifies that a person is exempt whose pregnancy has been medically verified that the child is expected to be born in the month in which registration is required or within the next three months.

Section 69-208.5

Specific Purpose:

This section has been renumbered from 69-208.5 to 69-208.11.

Factual Basis:

The renumbering incorporates current requirements now contained in Section 208.11. These requirements are more appropriately contained under general requirements.

Section 69-209

Specific Purpose:

This section has "and conciliation" deleted from its title because new conciliation requirements are being incorporated in Section 69-210.

Factual Basis:

The change in title is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-209.1

Specific Purpose:

All wording relating to the conciliation process is being deleted due to new conciliation requirements being incorporated in Section 69-210.

Factual Basis:

The revisions are necessary in order to more clearly communicate the new conciliation requirements by incorporating them into a separate section.

Section 69-209.2

Specific Purpose:

This section is being revised to specify that CWD cause determinations must occur within ten working days of learning or being advised that the nonexempt RDP or RCA recipient has not cooperated with employment-related requirements.

Factual Basis:

This section is necessary because of the requirement by the Federal Office of Refugee Resettlement (contained in a letter from Mr. Philip Holman, Acting Director, dated July 6, 1989). The letter specifies that conciliation is to begin no later than ten days following the date that the CWD is made aware of the refugee's failure to cooperate/participate. Since

conciliation is a process which is to begin immediately after an insufficient finding of good cause is made, we must insure that CWDs administratively perform a timely cause determination in order to meet conciliation requirements.

Section 69-209.23

Specific Purpose:

This section is being revised to renumber 69-209.25 to 69-209.23 and rennumbers the reference from 69-208.5 to 69-208.11.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-209.24

Specific Purpose:

This section is being revised to renumber 69-209.23 to 69-209.24, change the reference from 69-208.22 to 69-208.12, and add reference to new Section 69-208.16 and 69-208.17.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring. With the exception of the references to Sections 69-208.16 and .17, a cause determination must be made when there is failure to comply by the refugee.

Section 69-209.25

Specific Purpose:

This section is being renumbered from 69-209.24 to 69-209.25.

Factual Basis:

The renumbering of this section is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-209.31

Specific Purpose:

This section was amended to specify that the responsible agency for the initial resettlement of the refugee may approve or refer employment offers or employment-directed education/training.

Factual Basis:

This revision was necessary to comply with 45 CFR 400.75(a)(7)(i) requiring acceptance of an offer of employment determined to be appropriate by the resettlement agency responsible for the refugee's initial resettlement.

Section 69-209.32

Specific Purpose:

This section was amended to require that the refugee must cooperate with the initial responsible resettlement agency.

Factual Basis:

This revision was necessary to comply with 45 CFR 400.75(a)(7)(iii) which requires that as a condition of receipt of cash assistance, a person must register or participate in any employment-directed program or education/training, and accept offers of any employment, approved or referred by the responsible resettlement agency. The refugee also may not quit or be discharged from such employment or employment-directed education/training program.

Sections 69-209.4e, h, j, m, and n

Specific Purpose:

These sections were deleted.

Factual Basis:

The provisions of Sections 69-209.4e, h, j, m, and n are no longer requirements of ORR or GAIN. Consequently, they were deleted and Section 69-209.4 was relettered accordingly.

Section 69-209.4g

Specific Purpose:

This section is being renumbered from 69-209.4i to 69-209.4g. It is also being revised to specify that a refugee who has a definite offer of employment which consists of working more than 30 hours a week and is expected to last a minimum of 30 days has good cause for not participating in employment training activities.

Factual Basis:

The relettering is a change without regulatory effect and is only for the purpose of restructuring.

The revision is necessary to maintain consistency with 45 CFR 400.76(a).

Section 209.4i

Specific Purpose:

This section has been relettered from 69-209.4l to 69-209.4i.

Factual Basis:

The renumbering is a change without regulatory effect and is only for restructuring.

Section 69-209.4j

Specific Purpose:

This section was amended by deleting the words "and distance" which was a grammatical error in existing language.

Factual Basis:

This revision is necessary for clarity purposes.

Section 69-209.4k and l

Specific Purpose:

These sections are being relettered from 69-209.4p and 69-209.4q to 69-209.4k and 69-209.4l respectively.

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-209.612

Specific Purpose:

This section is being deleted because it is now addressed in Section 69-210.211.

Factual Basis:

This section is duplicative of Section 63-210.211.

Section 69-209.612a

Specific Purpose:

This section is being deleted as it is no longer applicable.

Factual Basis:

This change is necessary to comply with federal mandate 45 CFR 400.82(b)(3)(i).

Section 69-209.612b

Specific Purpose:

This section is being deleted as it is covered by Section 69-210.211.

Factual Basis:

This section is duplicative of Section 69-210.211.

Section 69-210.1

Specific Purpose:

This section is being renumbered from 69-209.5 to 69-210.1 and revised to require that conciliation begin as soon as possible, but no later than ten days following the date the CWD becomes aware of the recipient's failure to cooperate/participate, whichever comes first.

Factual Basis:

This revision is necessary to implement the requirement of the Federal Office of Refugee Resettlement, communicated in a letter from Mr. Philip Holman and dated July 6, 1989, which specifies that conciliation is to begin no later than ten days following the date that the CWD is made aware of the refugee's failure to cooperate/participate. The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Sections 69-210.11 through 69-210.16

Specific Purpose:

These sections were renumbered from 69-209.511 through 69-209.56 to 69-210.11 through 69-210.16 respectively. Also the reference in .16 to 69-209.6 was changed to 69-210.2.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-210.2

Specific Purpose:

This section is being renumbered from 69-209.6 to 69-210.2.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-210.21

Specific Purpose:

This section was renumbered from 69-209.61 to 69-210.21. The reference to Section 69-208.5 was changed to 69-210.

The sentence "Aid continues to the rest of the assistance unit if the members are otherwise eligible" was moved from .211 to .21.

Factual Basis:

This renumbering and change in reference is without regulatory effect and was done only for the purpose of restructuring. The relocated sentence adds clarity but does not change the requirement.

Section 69-210.211

Specific Purpose:

This section is being renumbered from Section 69-209.611 to Section 69-210.211. The references to 69-208.5 and 69-208.73 are being changed to 69-208.11 and 69-210.23 respectively. Additionally, this section has been revised to specify that penalties for failure or refusal to comply with registration and employment requirements apply to recipients of RDP as well as RCA. The last sentence of this Section was moved to Section 69-210.21 for clarity and letter flow.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring. The regulatory change is necessary to comply with 45 CFR 400.82(b)(3)(i).

Section 69-210.22 et seq.

Specific Purpose:

These sections are being renumbered from 69-209.62, .621, .622, 623, and .624 to 69-210.22, .221, .222, .223, and .224 respectively.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-210.23 et seq.

Specific Purpose:

These sections are being renumbered from 69-209.63, .631, .632, and .633 to 69-210.23, .231, .232, and .233 respectively.

Section 69-211

Specific Purpose:

This section is being renumbered from 69-210 to 69-211.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-212

Specific Purpose:

This section is being renumbered from 69-211 to 69-212.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-213

Specific Purpose:

This section is being renumbered from 69-212 to 69-213.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-214

Specific Purpose:

This section is being renumbered from 69-213 to 69-214.

Factual Basis:

This renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 214.8

Specific Purpose:

This section has been amended to include a reference to 69-206.54, a new section which specifies that a recipient who is a professional may attend college full-time as part of the employability plan in order to qualify to practice his or her profession in the United States (see Section 69-206.54).

Factual Basis:

This reference is necessary in order to comply with 45 CFR 400.81(b), which specifies that professionals may attend college full-time in order to qualify to practice their professions in the United States. The reference is necessary in order to exempt such professionals from termination of aid due to full-time college attendance.

c) Identification of Documents Upon Which Department Is Relying

Sections 10553 and 10554, Welfare and Institutions Code. Federal Register, Volume 54, No. 22 and Letter to Linda McMahon from Philip Holman, Department of Health and Human Services, Washington, DC dated July 6, 1989.

d) Testimony and Response

[To be completed after the Public Hearing.]

e) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not school districts. There are no "state mandated local costs" in these regulations which require State reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the Federal Government within the meaning of Government Code Section 17513.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

SDSS has determined that these regulations will have no fiscal impact on private persons or businesses.

SDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

g) Small Business Impact Statement

SDSS has determined that these regulations will have no adverse fiscal impact on small businesses.

Amend Section 69-204.33 to read:

69-204 RESETTLEMENT AGENCY, SPONSOR AND COUNTY
RESPONSIBILITIES (Continued)

69-204

.3 Conversion (Continued)

.33 Refugee cases terminated from RDP as specified under
Sections 69-21~~7~~4.3, 69-21~~7~~4.6 and 69-21~~7~~5.8 shall be
transferred to federal AFDC-FG/U via interprogram
transfer if the RDP assistance unit is determined
eligible. A new application is not required.
(Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 69-206 to read: -

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT 69-206
(RDP) OR REFUGEE CASH ASSISTANCE (RCA) (Continued)

.2 Eligibility Determination (Continued)

.21 Time Eligibility (Continued)

.212 Eligibility for RCA is limited to the number of months required in Section 69-203.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month. Unaccompanied refugee minors (Section 69-21~~1~~3) are not subject to the time limitation.
(Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 69-206.5 to read: -

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT 69-206
(RDP) OR REFUGEE CASH ASSISTANCE (RCA) (Continued)

.5 Full-time Student in an Institution of Higher Education
(Continued)

.54 If an RDP/RCA recipient is a professional in need of professional refresher training and other services in order to qualify to practice his/her licensed profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training:

.541 is approved as part of the individual's employability plan as developed by the CWD or its designee;

.542 does not exceed one year's duration (including any time enrolled in such program in the United States prior to the refugee's application for assistance. If there is no documentation available the CWD shall accept client declaration as an acceptable method for determining if the refugee has received higher education in the United States prior to application for aid); and

.543 is specifically intended to assist the individual in becoming relicensed in his/her profession; and, if completed, can realistically be expected to result in such relicensing.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.81(b).

Relocate Sections 69-208.222, .223, .224, and .225 to 69-208.123, .126, .128, and .129 respectively; relocate Section 69-208.5 to 69-208.1 and amend; renumber existing 69-208.12 and .13 to 69-208.13 and .14; then renumber 69-208.21 to 69-208.15 and add .16 and .17 to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS

.1 General Requirements

- .11 As an applicant for RDP or RCA, a refugee shall not, without good cause, within 30 consecutive calendar days immediately prior to the application for assistance, have voluntarily quit employment or have refused to accept an offer of employment or employment-directed education/training, or refused to participate in a CWD-approved or referred employment-directed education/training program.
- .12 As a condition for receipt of cash assistance, an ~~RDP~~ ~~or RCA~~ applicant/recipient, who is not exempt under Section 69-208.3 shall, except for good cause shown:
 - .121 Register and participate with a DSS-funded, DSS-approved or other CWD-approved and referred employment-directed education/training program; or
 - .122 Register and maintain registration with the State Employment Development Department (EDD);
 - .21223 Accept a bona fide offer of employment-directed education/training, which is CWD-sponsored, approved or referred; and participate in the education/training program in accordance with the criteria set by the program.
 - .124 Participate in a social service or targeted assistance program which the resettlement agency responsible for the initial resettlement of the refugee deems to be available or appropriate.
 - .125 Carry out job search in accordance with the criteria of Section 69-208.2.

- .21276 Appear for employment interviews arranged by DSS-funded, DSS-approved or CWD-approved employment-directed programs.
- .127 Appear for employment interviews arranged by the resettlement agency which was responsible for the initial resettlement of the refugee.
- .21248 Report to the DSS-funded, DSS-approved or CWD-approved employment-directed program when requested to by the program.
- .21279 Accept referrals to employment interviews arranged by the DSS-funded, DSS-approved or CWD-approved employment-directed program.
- .130 Accept at any time, from any source, a bona fide offer of employment.
- .123 Prior to approval of the application or receipt of aid the applicant/recipient must provide written verification to the CWD of his/her registration with the employment-directed education/training program or EDD.
- .174 Unless the order of priority is waived by DSS, CWDs shall, when referring EDP or RCA applicants/recipients to education/training programs, give priority first to DSS-funded or DSS-approved programs and second to other CWD-approved programs. If no available education/training program can accept the applicant/recipient, the CWD shall refer the refugee to EDD for registration. Once the applicant/recipient has completed all available education/training programs, the CWD shall refer the refugee to EDD for registration.
- .15 The CWD shall refer all nonexempt (see Section 69-208.4) RDP or RCA applicants and recipients to the local DSS-funded or CWD-approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by DSS.
- .16 As a condition of continued receipt of RDP or RCA, a nonexempt recipient who is employed 30 hours a week or less shall accept part-time employment-directed services, provided that such services do not interfere with the recipient's job.

.17 As a condition of continued receipt of RDP or RCA, a nonexempt recipient shall not, without good cause, voluntarily quit employment.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.75, .77, and .78.

Adopt Section 69-208.2 to read: -

69-208 REGISTRATION, EMPLOYMENT, AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.1 (Continued)

12 EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING
REQUIREMENTS

.2 RCA Job Search Requirements

121 THE CWP SHALL REFER ALL NONEXEMPT (SEE SECTION 69-208.14) RDP OR RCA APPLICANTS AND RECIPIENTS TO THE LOCAL DSS/FUND OR CWP-APPROVED PROJECT(S) PROVIDING EMPLOYMENT-DIRECTED EDUCATION/TRAINING FOR REFUGEES. SUCH TRAINING MUST MEET LOCAL EMPLOYERS' REQUIREMENTS SO AS TO BE LIKELY TO LEAD TO EMPLOYMENT WITHIN THE LOCAL LABOR MARKET. CWP REFERRALS SHALL BE ACCOMPANIED IN ACCORDANCE WITH INSTRUCTIONS AND DIRECTIONS ISSUED BY DSS.

.21 An RCA recipient who meets the criteria in Sections 69-206.12 and 42-800.1 and who is not exempt under Section 69-208.4 shall carry out a job search program beginning:

.211 No later than six months after the refugee entered the United States, or

.212 At the time the refugee is determined eligible for RCA if the refugee has completed at least six months in the United States at the time of determination.

122 IF A NONEXEMPT RDP OR RCA APPLICANT OR RECIPIENT FAILS TO DO ANY OF THE FOLLOWING, HE/SHE HAS NOT MET THE EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS:

.22 A job search program shall continue for at least eight consecutive weeks and shall meet the DSS minimum requirements for job search as described below:

.221 Three supervised employee contacts per week for counties which directly administer Refugee Employment Social Services (RESS) and Targeted Assistance Programs (TAPs).

.222 For counties in which the state directly administers the RESS Program, four hours of

pre-job search training during the first week.
A minimum of three employer contacts per week
thereafter, one of which shall be supervised.

- ~~/27 Repealed by Manual Letter No/ 88/82/ effective 8/8/88/~~
- .23 For counties which have an RCA caseload, but do not
have RESS and/or TAPs available, the job search
requirement shall be met by mandatorily referring RCA
recipients to EDD-Job Services.
- .24 The CWD must document job search activities in the
case file.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.80(a)(1), (b) and (c).

Amend Sections 69-208.4j. and k. to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.4 Refugees Exempt from Registration, Employment and
Employment-directed Education/Training Requirements:
(Continued)

j. ~~A person employed full-time 1100 hours or more per month/~~ A person who is working more than 30 hours a week in unsubsidized employment which is expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment which is expected to last no longer than 10 workdays.

k. A person who is pregnant and it has been medically verified that the child is expected to be born in the month in which registration would otherwise be required or within the next three months.

15 OTHER REQUIREMENTS

~~As an applicant for RDPV or RCA, a refugee shall not/ during 30 consecutive calendar days immediately prior to the beginning date of aid have/ without good cause/ voluntarily quit/ been discharged for willful misconduct/ or refused to apply for or accept a bona fide offer of employment or employment-directed education/training/ or participate in a QWDA-approved or referred employment-directed education/training program/~~

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.80(a)(1), (b) and (c).

Amend Sections 69-209.1, .2, and .3 to read:

69-209 CAUSE DETERMINATIONS AND CONCILIATION

69-209

.1 If recipient fails or refuses to participate/cooperate in the RDP/RCA program as required, the CWD shall make a cause determination. ~~If the recipient is found to be without good cause for nonparticipation/noncooperation/ the CWD shall conciliate any dispute before the notice of action is issued/ cause determination and conciliation shall be completed within 30 calendar days of learning or being advised that the individual has failed or refused to participate/cooperate in the RDP/RCA program as required/~~

.2 Conditions Under Which Cause Determination Shall Be Made

Using the criteria found in Section 69-209.3, the CWD shall make a cause determination upon being advised that the ~~nonexempt refugee who is an RDP or RCA applicant or~~ recipient has within 10 working days of learning or being advised that the nonexempt refugee who is an RDP or RCA applicant or recipient has:

- .21 Failed or refused to register or participate with a DSS-funded or CWD approved or referred employment-directed program as required; or
- .22 Failed or refused to register or to maintain registration with EDD as required; or
- .23 Failed or refused to meet the requirements contained in Section 69-208.811.
- .24 Failed or refused to comply with the requirements contained in Section 69-208.12., 69-208.16 and 69-208.17; or
- .25 Failed or refused to comply with the requirements contained in Section 69-208.322.

.3 Factors That Must Be Considered in Cause Determinations

The CWD must include the following determinations, as appropriate, in considering whether good cause exists for failure or refusal to meet or comply with requirements regarding registration, employment, and employment-directed education/training.

- .31 There must be a determination that a bona fide offer of employment or employment-directed education/training was made to the individual. A bona fide offer of employment or employment-directed education/training may originate from any source, approved or referred by the CWD (including DSS-funded program) or the responsible agency for the initial resettlement of the refugee and may be temporary, permanent, full-time, part-time, or seasonal work.
- .32 There must be a determination that the individual failed or refused to register or participate with a CWD approved or referred employment-directed program, or the initial responsible resettlement agency or failed or refused to accept the bona fide offer of employment or employment-directed education/training as planned; or that the individual quit or was discharged from employment or employment-directed education/training. (Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.75(a)(7)(i) and (iii).

Amend Sections 69-209.4 and .61-to read:

69-209 CAUSE DETERMINATIONS (Continued)

69-209

.4 (Continued)

- e/ The offer of employment was from an employer who did not possess an appropriate license to engage in his/her business; withholds or holds in trust the employee's contributions required by Part 2 of Division 1 of the UI Code (Section 2601, et seq.) for unemployment compensation disability benefits or did not transmit all such employee contributions to FPD as required by Section 988 of the UI Code; carry either workers' compensation insurance or possess a certificate of self-insurance as required by Division 4 of the Labor Code (Section 3201, et seq.) or
- f. The wage does not meet or exceed the federal or state minimum wage law, whichever is applicable; or if such laws are not applicable, the wage is less favorable than the wage normally paid for similar work in that labor market, or, in any event, is less than three-fourths of the minimum wage rate; or
- g. The daily hours of work and the weekly hours of work exceed those customary to the occupation; or
- h/ The individual was employed in bona fide employment more than 20 hours during that week; and the hours of such employment prevented the refugee from being able to fulfill the registration or employment/direct educational/training requirements; or
- g. The individual had a definite offer of unsubsidized employment which consisted of working more than 30 hours a week and was expected to last a minimum of 30 days; or
- i/ The individual has a definite promise of recall to full-time employment with a former regular employer to start within 30 calendar days of the failure to meet or comply with the requirements of Sections 69-208/1 through 69-208/3 and 69-208/3; or
- h. The individual was prevented from participating or reporting due to physical or mental incapacity; or
- i. The individual was ill or was required to care for an ill member of the FBU because no other care arrangements were feasible; or

n/ Child care arrangements could not be made; or

n/ The individual was without transportation due to circumstances beyond his/her control and was without other means of transportation; or

oj. The total daily commuting time to the employment of educational/training site and return, would normally exceed two hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and distance is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards; or

ok. The employment or training violated laws and regulations pertaining to discrimination based on age, sex, race, religion, color, national origin, marital status, political affiliation, or handicap; or

ol. The individual had other substantial and compelling reasons for failure to meet or comply with the requirements of Section 69-208.

.5 (Continued)

.6 (Continued)

.61 (Continued)

1812 Except as provided in sections 69-208/5 and 69-208/73/ the noncomplying individual shall be ineligible for RDP benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of disqualification for refusal or failure to comply without good cause. And continues to the rest of the assistance unit if the members are otherwise eligible, except that/

a/ If the noncomplying individual is the unemployed parent/ and shall be disqualified to the entire assistance unit for the duration of the penalty period/

b/ IF THE - NONCOMPLYING INDIVIDUAL IS THE
CARETAKER RELATIVE/ HIS/HER AID SHALL BE
DISCONTINUED FOR THE DURATION OF THE
PENALTY PERIOD/ AND AID SHALL BE CONTINUED
TO THE REMAINDER OF THE ASSISTANCE WHILE IN
ACCORDANCE WITH AFDC REGULATIONS/

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and
Institutions Code.

Relocate and renumber Sections 69-209.5 and .6 to 69-210.1 and .2 and amend and renumber to read:

69-210 CONCILIATION

69-210

- .§1 If the CWD determines that no good cause existed for the failure or refusal to meet program requirements, the CWD shall try to resolve the recipient's failure or refusal to cooperate before the Notice of Action is issued. The CWD shall complete cause determination and conciliation within 30 calendar days of learning of being advised that the nonexempt refugee individual has failed or refused to participate/cooperate in the RDP/RCA program as required. The conciliation shall begin on the date of the cause determination. This process known as conciliation shall begin as soon as possible, but no later than 10 days following the date that the CWD becomes aware of an RDP/RCA recipient's failure to cooperate/participate, or within 30 days of the date that the recipient failed to cooperate/participate, whichever occurs first.
- .§11 If the recipient contacts the CWD prior to the interview to request rescheduling, the interview shall be rescheduled.
- .§12 Conciliation may be terminated sooner by either the CWD or by the recipient's written request if at any time it is apparent to either that the dispute cannot be resolved.
- .§121 The CWD may end the conciliation early if it is apparent that the recipient will not cooperate, e.g., continues to refuse or to fail to report to CIU and/or training and employment services, or otherwise demonstrates unwillingness to cooperate. A timely Notice of Action shall be sent.
- .§122 The CWD shall inform the recipient of the right to terminate the conciliation and to receive assistance from the CWD in preparing the written request.
- .§13 In order to resolve the dispute during conciliation, the CWD may have to coordinate with the CIU and/or service provider.
- .§14 The CWD shall develop a written conciliation plan specifying the actions the recipient shall take to demonstrate cooperation with registration, employment, and employment-directed education/training requirements.

- .§141 The recipient has the right to propose an alternate conciliation plan. However, the CWD shall make the final decision regarding the terms of the plan.
- .§142 The CWD shall give a copy of the plan to the recipient.
- .§15 If the recipient follows the terms of the conciliation plan, he/she shall continue to participate in the RCA/RDP program.
- .§151 The CWD shall notify the recipient in writing of the successful completion of conciliation.
- §16 If the conciliation process is unsuccessful in resolving the conflict, see Section 69-208/§210.2 (Penalties for Failure or Refusal to Comply with the Registration, Employment and Employment-Directed Education/Training Requirements).
- .§2 Penalties for Failure or Refusal to Comply with the Registration, Employment and Employment-Directed Education/Training Requirements
- .§21 If the nonexempt RDP or RCA applicant or recipient has refused or failed, without good cause, to meet or comply with the requirements of Section 69-208.1 through 69-208.3 and §§208/5 69-210, the CWD shall deny or discontinue benefits for that individual. Aid continues to the rest of the assistance unit if the members are otherwise eligible.
- .§211 Except as provided in Sections 69-208.§11 and 69-208/710.23, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause.
- .§22 In the event aid is denied or discontinued, the following actions are required:
 - .§221 The refugee shall be given at least ten days advance written notice of the termination of assistance and the reason(s) therefore. (See MPP Section 22-001.)
 - .§222 Discontinuance shall be effective at the end of the month in which the ten days expire.

- .§223 If the noncomplying refugee is a caretaker relative, assistance in the form of protective payments will be provided to the remaining members of the budget unit in accordance with AFDC regulations, MPP Section 42-691.221.
- §224 the noncomplying refugee may request restoration of assistance at any time after the termination of assistance because of refusal or failure to comply. The effective date of restoration, however, shall be no earlier than the day after the completion of the penalty period.
- .§23 There is no durational penalty attached to a failure or refusal to register with the employment education/training program(s) or EDD.
- .§231 The noncomplying individual in an RCA assistance unit shall be ineligible for RCA benefits until he/she has registered as required. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RCA benefits.
- .§232 An RDP assistance unit shall be ineligible for RDP benefits until the RDP-U parent has registered as required. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RDP benefits.
- .§233 A nonexempt RDP-FG individual shall be ineligible for RDP benefits until he/she has registered as required. Aid continues to the remainder of the assistance unit unless the RDP-FG individual who fails or refuses to register is the only eligible child in the assistance unit, in which case, the entire assistance unit is ineligible for RDP benefits.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.82(b)(3)(i) and ORR letter from Philip A. Holman to Linda McMahon dated July 6, 1989.

Renumber existing Section 69-210 to 69-211:

69-2101 AID PAYMENTS

69-2101

(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and
Institutions Code.

Renumber existing Section 69-211 to Section 69-212:

69-2112 OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS AND FRAUD 69-2112
REFERRALS

(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and
Institutions Code.

Renumber existing Section 69-212 to Section 69-213:

69-2123 UNACCOMPANIED REFUGEE MINORS

69-2123

(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and
Institutions Code.

Renumber existing Section 69-213 to Section 69-214; then amend Section 69-214.8 to read:

69-21~~3~~4 TERMINATION OF AID

69-21~~3~~4

(Continued)

.8 A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-206.52, .53, and .54.
(Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code
 and 45 CFR 400.81(b).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

APR 02 1990

At 4:34 o'clock P.M.

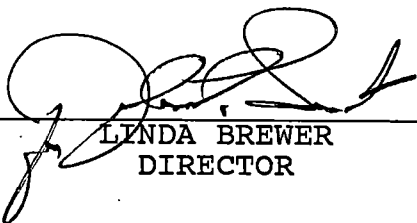
MARCH FONG EU, Secretary of State

By Louella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0321-05


LINDA BREWER
DIRECTOR

04/02/90

FACE SHEET

90-0403-05ER
RDB # 0290-08

(See Instructions on Reverse)

1990 APR -3 PM 4:13

OFFICE OF
ADMINISTRATIVE LAW

RESUBMITTAL
EMERGENCY

FOR FILING WITH THE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
I, the undersigned, hereby certify that the attach-
ed are true and correct copies of regulations
adopted, amended or repealed by this agency
and that the information specified on this Face
Sheet is true and correct.

FILED
In this office of the Secretary of State
of the State of California

APR 06 1990
At 4:31 o'clock P. M.
MARCH FONG EU, Secretary of State
By Luella Cruz
Deputy Secretary of State

ENDORSE

APPROVED

APR 06 1990

State Department of Social Services

(AGENCY)

Lt. S. Michel

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 4-2-90

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark Chief,

Regulations Development

(916) 445-0313

2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)

☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

63-092

SECTIONS AMENDED:

63-300, & 63-301

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

☐ prior to the emergency adoption

☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: 90-0320-03E

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

☐ Fair Political Practices Commission (Include FPPC approval stamp)

☐ Building Standards Commission (Attach approval)

☐ State Fire Marshall (Attach approval)

☐ Department of Finance (Attach properly signed Std. 399)

☐ Other

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER April 6, 1990
b. DATE OF FINAL AGENCY ACTION
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☒ Effective upon filing with the Secretary of State.

c. ☐ Effective on _____ as required or allowed by the following statute(s): _____

d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt new MPP Section 63-092 to read:

63-092 IMPLEMENTATION OF REGULATIONS FOR HUNGER
PREVENTION III - JOINT AFDC/FOOD STAMP
APPLICATION AND WRITTEN STATEMENT OF
VERIFICATION REQUIREMENTS 63-092

.1 Revised and adopted provisions: MPP Sections 63-300.2, 300.37, 301.41 and 301.6 are effective April 6, 1990 and CWDs shall implement them by June 1, 1990.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.1(g).

Amend MPP Section 63-300.2 and .3 to read:

63-300 APPLICATION PROCESS

63-300

.2 Application Form and Form Deviation

All applications for Food Stamp Program eligibility shall be made on a simplified, uniform state application forms, the DFA 285-A1 and DFA 285-A2. For households which apply for both AFDC and Food Stamps at the same time, the joint application forms, (SAWS 1) (4/90) CA1/DFA 285-A1 and (JA 2) (4/90) CA2/DFA 285-A2, shall be used. When additional space is required for signatures attesting to citizenship or alien status, the CA-64 (9/88), or a county-designed substitute shall be used with the application form.

- .21 Applicants shall not be required to complete any CWD developed prescreening form. Prescreening means gathering information to perform a preliminary review of eligibility for participation in the Food Stamp Program. Prescreening does not include gathering information to refer an applicant to the appropriate program or office. The CWD shall use only the DFA 285-A1, or the (SAWS 1) (4/90) CA1/DFA 285-A1 for joint application, as the screening device for identifying households entitled to expedited service and shall determine eligibility for participation in the Food Stamp Program using the forms specified in Section 63-300.2.

.22 Continued

.23 Recertification of Monthly Reporting Households

Households which are subject to the food stamp monthly reporting requirements as specified in Section 63-505.2 shall have their food stamp eligibility redetermined by using the BFA 285-A1, BFA 285-A2, forms specified in Section 63-300.2 and the Monthly Eligibility Report (CA 7) for the budget month that corresponds to the first month of the new certification period.

.24 Recertification of Nonmonthly Reporting Households

Households which are not subject to the food stamp monthly reporting requirements shall have their food stamp eligibility redetermined by using the BFA 285-A1 and the BFA 285-A2 forms specified in Section 63-300.2.

•3 Filing, Notice of Right to File and Withdrawal (Continued)

•31 through •36 Continued

•37 Written Statement of Verification Requirements

At the time of application and at recertification the CWD shall provide the household with a written statement of verification requirements, FS 8 (4/90), which must be met. The notice shall inform the household that the CWD will assist them in obtaining required verification, provided that the household is cooperating with the CWD as specified in Section 63-505.1.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(c)(5) and (j)(1).

Amend MPP Section 63-301.41 and .6 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.4 Delayed Actions - Continued

.41 Determining Cause

The CWD shall first determine the cause of the delay using the following criteria:

.411 Continued

(a) Continued

- (b) In cases where verification is incomplete, the CWD must have provided the household with a written statement of required verification, FS 8 (4/90); assistance when required, as specified in Section 63-300.55; and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the initial request for the particular verification that was missing.

(c) Continued

- .412 Delays that are the fault of the CWD include, but are not limited to, those cases where the CWD failed to take the action described above in Section 63-301.411 (a through d). (Continued)

.6 PA Households

Households in which all members are applying for public assistance (PA) shall be ~~allowed to~~ informed that they may apply for food stamp benefits at the same time ~~they apply for~~ PA benefits and shall be required to complete only a single application for both programs. The food stamp eligibility and benefit levels for these households shall be based solely on food stamp eligibility criteria, except as specified in Section 63-301.7. Households, whether jointly processed and/or eligible because of their PA status, shall be certified in accordance with the notice, procedural and timeliness requirements of the food stamp regulations.

.61 and .62 Continued

•63 Application Processing Standards and Procedures

The EA 1 is the official application for public assistance and is used in conjunction with the EA 2 Statement of Facts. When all members of a household apply for both food stamps and public assistance (PA), application shall be made on joint application forms. (SAWS 1) (4/90) CA1/DFA 285-A1 and (JA 2) (4/90) CA2/DFA 285-A2 the EA 1 shall serve as the control document for the 30-day processing period. PA applicant households not desiring food stamps shall either enter a signed statement to this effect on the (SAWS 1) (4/90) CA 1/DFA 285-A1 EA 1 or check the appropriate box on the EA 2. If a PA applicant household does not check the box marked food stamps on the EA 1 or specifically indicate that they do not wish food stamps, the household's application shall nonetheless be considered a request for both PA and food stamps unless it is determined otherwise during the interview.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(h)(1)(i)(C), (j) and (j)(1).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

APR 06 1990

At 4:31 o'clock P.M.

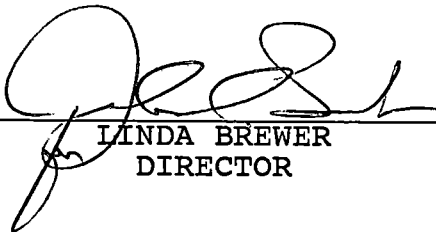
MARCH FONG EU, Secretary of State

By Louella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0403-05


LINDA BREWER
DIRECTOR

04/06/90

FACE SHEET

(See Instructions on Reverse)

1990 APR -3 PM 2:17
OFFICE OF
ADMINISTRATIVE LAW

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

CERT

ENDORSED
APPROVED FOR FILING

APR 26 1990

Office of Administrative Law

For use of Office of Adm Law

State Department of Social Services

(AGENCY)

L. S. M...

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4-2-90

FILED

In this office of the Secretary of State
of the State of California

APR 26 1990

At 4:22 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Mulla Cur...*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED: _____
SECTIONS AMENDED: 45-201.7 & 45-202.12
SECTIONS REPEALED: 40-181.211
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 45-201.7 & 45-202.12
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPFC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
December 1, 1989
b. DATE OF FINAL AGENCY ACTION
APR 03 1990
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
March 5, -- March 20, 1990
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

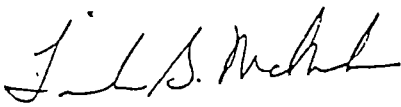
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

.2 Periodic Determination of Eligibility (Continued)

.21 (Continued)

.211 (Continued)

.212 (Continued)

.213 (Continued)

.214 (Continued)

.215 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Include Handbook Section 45-201.72 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

.7 A redetermination of all of the foster child's circumstances which are subject to change shall be completed once every six months.

.71 At the time of the six month redetermination, the parent or legal guardian shall complete the "Statement of Facts Supporting Eligibility For Assistance" (CA 2 †1/87) or, at county option, the "Statement of Facts Supporting Eligibility For AFDC-Foster Care (FC)" (FC 2 †2/82). If the parent or legal guardian is unavailable or uncooperative, the placement worker shall complete either the "Statement of Facts Supporting Eligibility for Assistance" (CA 2 †1/87) or the "Statement of Facts Supporting Eligibility for AFDC-Foster Care (FC)" (FC 2 †2/82).

HANDBOOK BEGINS HERE

.72 Examples of a foster child's circumstances which are subject to change include, but are not limited to, deprivation, financial need, authority for placement, eligible facility, etc.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Number existing Handbook as Section 45-202.125 and amend Sections 45-202.12, .122, .123, and .124 to read:

45-202 FEDERAL AFDC-FC PROGRAM

45-202

.1 Deprivation

.11 (Continued)

.12 For redetermination purposes as specified in Section 45-201.7, continuing deprivation of parental support or care shall be reevaluated based upon the caretaker/relative's original home from which the child was of removed.

.121 Continuing deprivation is automatically met in those cases in which deprivation was originally based on the death of either parent, or in which the child has been relinquished following the initial determination of deprivation.

.122 If the whereabouts of the caretaker/relative parent(s) cannot be determined by the CWD at the time of the redetermination, documentation in the case record shall demonstrate a good faith effort to locate the caretaker/relative and parent(s) which shall allow federal linkage to continues.

.123 If the caretaker/relative parent(s) refuses to cooperate, the CWD shall make document a good faith effort to obtain the required information. If this effort indicates a continued deprivation status or if no information to the contrary is found, federal linkage shall continues.

.124 A subsequent change in the child's circumstances shall not affect the initial deprivation determination of deprivation.

HANDBOOK BEGINS HERE

.125 For example, in a two-parent household, if the father returns to full-time employment, deprivation would no longer exist for the child in foster care for those months the father was employed full-time. However, if the father becomes unemployed again, then the child's status would change from ineligible to eligible and

federal financial participation would be available
for the foster care payment. (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

APR 26 1990
At 4:28 o'clock P. M.
MARCH FONG EU, Secretary of State
By Linda Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0403-03


LINDA BREWER
DIRECTOR

04/26/90

FACE SHEET

(See Instructions on Reverse)

RDB #0189-01

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that no information specific to this face sheet is being withheld.

Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 4-2-90

FILED

In this office of the Secretary of State
of the State of California

MAY 03 1990

At 4:20 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)

☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 22

SECTIONS ADOPTED:

SECTIONS AMENDED:

80072, 87072, and 87578

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: 80072(a)(8)(G)
and 87072(a)(2)(G)

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

☐ prior to the emergency adoption

☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

☐ Fair Political Practices Commission
(Include FPPC approval stamp)

☐ Building Standards Commission
(Attach approval)

☐ State Fire Marshall (Attach approval)

☐ Department of Finance (Attach properly signed Std. 399)

☐ Other

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 30, 1989

b. DATE OF FINAL AGENCY ACTION

April 2, 1990

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

November 6, 1989 through 5:00 p.m.,
November 21, 1989

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective upon filing with the Secretary of State.

c. ☐ Effective on _____ as required or allowed by the following statute(s): _____

d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

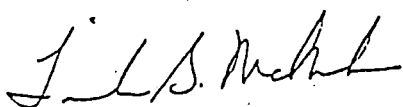
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

Amend Section 80072(a)(8) to read:

80072

PERSONAL RIGHTS (Continued)

80072

(a) (Continued)

(1) through (7) (Continued)

(8) Not to be placed in any restraining device/ ~~except~~
Postural supports may be used supportively restrictively
if they are approved in advance by the licensing
agency as specified in (A) through (E) below.

(A) Supportive restrictives Postural supports shall
be limited to appliances or devices including
straps braces, spring release trays, or soft
ties, used to support a client in a bed, chair,
or wheelchair to prevent falling achieve proper
body position and balance, to improve a
client's mobility and independent functioning,
or to position rather than restrict movement
including, but not limited to, preventing a
client from falling out of bed, a chair, etc.

1. Physician-prescribed orthopedic devices
such as braces or casts used for support
of a weakened body part or correction of
body parts are considered postural
supports.

(B) ~~The~~ All requests ~~for prior approval~~ to use
supportive restrictives postural supports shall
be in writing and shall include a written order
of a physician indicating the need for such
restrictives supports. The licensing agency
shall be authorized to require other additional
documentation in order to evaluate the request.

(C) Approved supportive restrictives postural
supports shall be fastened or tied in a manner
which permits quick release by the resident.

(D) The licensing agency shall approve the use of
supportive restrictives postural supports only
after the appropriate fire clearance, as
required by Sections 80020(a) or (b), has been
secured.

(E) The licensing agency shall have the authority
to grant conditional and/or limited approvals
to use supportive restrictives postural supports.

(F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a resident's hands or feet.

1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.

(G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.

1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.

2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501/ ~~1512~~/ and 1531, Health and Safety Code.

Amend Section 87072(a)(7) to read:

87072 PERSONAL RIGHTS (Continued)

87072

(a) (Continued)

(1) through (6) (Continued)

(7) Not to be placed in any restraining device. ~~except a~~
~~supportive restraint~~ Postural supports may be used if
they are approved in advance by the licensing agency
as specified in (A) through (DE) below.

(A) ~~Supportive restraints~~ Postural supports shall
be limited to appliances or devices including
~~straps~~ braces, spring release trays, or soft
ties, used to ~~support a child in a bed, chair,~~
~~or wheelchair to prevent falling~~ achieve proper
body position and balance, to improve a child's
mobility and independent functioning, or to
position rather than restrict movement
including, but not limited to, preventing a
child from falling out of bed, a chair, etc.

1. Physician-prescribed orthopedic devices
such as braces or casts used for support
of a weakened body part or correction of
body parts are considered postural
supports.

(B) ~~The~~ All requests for prior approval to use
~~supportive restraints~~ postural supports shall
be in writing and shall include a written order
of a physician indicating the need for such
~~restraints~~ supports. The licensing agency
shall be authorized to require other additional
documentation in order to evaluate the request.

(C) Approved ~~supportive restraints~~ postural
supports shall be fastened or tied in a manner
which permits quick release by the child.

(D) The licensing agency shall approve the use of
postural supports only after the appropriate
fire clearance, as required by Section 87020,
has been secured.

(DE) The licensing agency shall have the authority
to grant conditional and/or limited approvals
to use ~~supportive restraints~~ postural supports.

(F) Under no circumstances shall postural supports include tying, depriving, or limiting the use of a child's hands or feet.

1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.

(G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather protect the child from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.

1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.

2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1501/ 1512/ and 1531 1539, Health and Safety Code.

Amend Section 87578(a) to read:

87578

PERSONAL ASSISTANCE AND CARE

87578

- (a) Based on the individual's preadmission appraisal, and subsequent changes to that appraisal, the facility shall provide assistance and care for the resident in those activities of daily living which the resident is unable to do for himself/herself as specified in Article 6. ~~However/~~
~~supportive restraints~~ Postural supports shall not be used
~~in caring for any resident without advance approval by the~~
~~licensing agency. No other form of restraint shall be~~
approved in advance by the licensing agency as
specified in (1) through (6) below may be used in caring
for any resident.

- (1) ~~For purposes of this section, supportive restraints~~
~~mean any application of device, such as~~ Postural
supports shall be limited to appliances or devices
such as straps braces, spring release trays, or soft
ties, used to support a resident in a bed, chair, or
wheelchair, to prevent falling achieve proper body
position and balance, to improve a resident's
mobility and independent functioning, or to position
rather than restrict movement including, but not
limited to, preventing a resident from falling out of
bed, a chair, etc.

(A) Physician-prescribed orthopedic devices such as
braces or casts, used for support of a weakened
body part or correction of body parts, are
considered postural supports.

- (2) ~~Supportive restraints~~ Approved postural supports
shall be fastened or tied in a manner which permits
the restrained resident to release the restraint
himself quick release by the resident.
- (3) ~~The~~ All requests for prior approval to use supportive
restraints postural supports shall be in writing and
shall include a written order of a physician
indicating the need for such restraints for each
resident supports. The licensing agency shall be
authorized to require other additional other
documentation may be required by the licensing agency
in order to evaluate the request.

- (4) The approval granted by the licensing agency may contain specified conditions and limitations shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 87220, has been secured.
- (5) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
- (6) Under no circumstances shall postural supports include tying, depriving, or limiting the use of a resident's hands or feet.
 - (A) A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.30, 1569.31, and 1569.312 Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In this office of the Secretary of State
of the State of California

MAY 03 1990
At 4:42 o'clock P.M.
MARCH FONG EU, Secretary of State
By *[Signature]*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0403-04

[Signature]

LINDA BREWER
DIRECTOR

05/03/90

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services
(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4-9-90

RDB # 0789-27

(See Instructions on Reverse)

FILED

In this office of the Secretary of State
of the State of California

MAY 11 1990
At 3:18 o'clock P. M.
MARCH FONG EU, Secretary of State
By Paula Cruz
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark Chief, Regulation Development Bureau

(916) 445-0313

2. Type of filing, (check one) ☒ 30-day Review

☐ Emergency

☐ Certificate of Compliance
(Complete Part 4 below)

☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

40-005

SECTIONS AMENDED:

40-107, 125, & 131

SECTIONS REPEALED:

Title MPP

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

☐ prior to the emergency adoption

☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

☐ Fair Political Practices Commission
(Include FPCC approval stamp)

☐ Building Standards Commission
(Attach approval)

☐ State Fire Marshall (Attach approval)

☐ Department of Finance (Attach properly signed Std. 399)

☐ Other

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF FINAL AGENCY ACTION

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

January 5, 1990

APRIL 9, 1990

None

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective upon filing with the Secretary of State.

c. ☐ Effective on _____ as required or allowed by the following statute(s):

d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. ☒ Effective on JULY 1, 1990 (Designate effective date *later than* the normal effective date for the type of order filed.)

Adopt Section 40-005 to read:

40-005 IMPLEMENTATION OF THE AFDC INFORMING AND
COUNTY RECEIPTS REQUIREMENTS

40-005

- .1 This regulatory action consists of amending Sections 40-107.1 and 40-131.1, in order to comply with the provisions of the Hunger Prevention Act of 1988 (Public Law 100-435).
- .2 In addition, this regulatory action amends Section 40-125.1 to comply with the provisions of SB 1141, Chapter 1036, Statutes of 1987, which adds Section 11023.5 to the Welfare and Institutions Code.
- .3 The effective date of these regulations shall be July 1, 1990.

Authority Cited: Sections ^{and 10554} 10553, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Amend Section 40-107.1 to read:

40-107 COUNTY RESPONSIBILITY

40-107

.1 Assisting the Applicant

The county is responsible for assisting applicants or recipients in understanding their rights and responsibilities in relation to application for aid; for evaluating the capacity of the applicants or recipients to discharge their responsibilities as set forth in Section 40-105; for assisting them as needed in establishing their eligibility and helping them to realize the maximum personal independence of which they are capable, including self-care and self-maintenance. (Continued)

.14 (Reserved)

.15 Applicants shall be informed:

.151 that they may apply for food stamps at the same time as they apply for AFDC.

.152 that, if they apply for food stamps at the same time as they apply for AFDC, they have the right to file a joint application and shall have a single interview for both programs.

.153 in written form, and orally as appropriate, of the AFDC and Food Stamp programs, explaining the rules regarding eligibility and benefits available from both programs, and that the application interview for AFDC is sufficient for applying for food stamps.

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 USC 2020(i); 7 CFR 273.2(j); 45 CFR 206.10(a)(2)(i); and U.S. Department of Health and Human Services Action Transmittal FSA-AT-89-6.

Amend Section 40-125.1 to read:

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND
RESTORATIONS

40-125

.1 County Responsibility -- General Requirements

.11 Responsibility for accepting the application and taking all actions necessary to determine eligibility or ineligibility and for granting or denying aid rests with the county where the applicant lives. (See Section 40-125.3.)

.12 County Receipts for Hand-Carried Documents

.121 Upon request, the CWD shall provide receipts for documents, except as specified in Section 40-125.123, when:

(a) the documents are requested by the CWD, and

(b) the documents are hand-delivered to the CWD by the applicant/recipient, and

(c) the documents are received by a worker other than the regularly assigned caseworker.

.122 Receipts for documents shall be issued at the time the documents are received.

.123 CWDs that maintain a system of logging hand-delivered documents are exempt from the receipts for documents requirement.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11023.5, Welfare and Institutions Code.

Amend Section 40-131.1 to read:

40-131 INTERVIEW REQUIREMENT

40-131

.1 Interview Required Prior to Granting Aid

.11 A face-to-face interview with the applicant is required prior to the granting of aid. For the home visit requirement in AFDC, see Section 40-161.

.12 For any applicant who chooses to apply for both AFDC and food stamps, as specified in Section 40-107.152, the CWD shall conduct a single interview for both programs. AFDC applicants shall not be required to see a different eligibility worker or otherwise be subjected to two interview requirements to obtain the benefits of both programs.

HANDBOOK

.121 Following the single interview, the application may be processed by separate workers to determine the eligibility and benefit levels for food stamps and AFDC.

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 7 USC 2020(i); 7 CFR 273.2(j).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

MAY 11 1990

At 3:18 o'clock P.M.

MARCH FONG EU, Secretary of State

By *[Signature]*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 90-0411-02

[Signature]
LINDA BREWER
DIRECTOR

05/11/90

FACE SHEET

(See Instructions on Reverse)

90-0427-01C

1990 APR 27 11:11:20

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAY 25 1990

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

Lil S. Muhl
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4-26-90

RDB# 1189-45

FILED

In this office of the Secretary of State
of the State of California

MAY 25 1990

At 4:22 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Mulla*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
SECTIONS ADOPTED: Title 22 35127.1 and 35127.2
SECTIONS AMENDED: 35000, 35079, 35095, and 35127
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 35127.1 (c) (1)
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER January 5, 1990
b. DATE OF FINAL AGENCY ACTION APR 26 1990
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

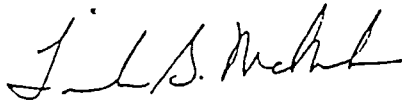
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

(i) (Continued)

(2) "Independent Adoption Preplacement Program" means the voluntary alternative procedure within the Independent Adoption Program authorized by Civil Code Section 226.51 available to prospective adoptive parents and birth parents choosing independent adoption. This alternative procedure provides for preplacement assessment of adoptive parents and preplacement advising of birth parents.

(3) (Continued)

(4) (Continued)

(5) (Continued)

(6) (Continued)

(7) (Continued)

(8) (Continued)

(9) (Continued)

(10) (Continued)

(11) (Continued)

(12) (Continued)

Authority Cited: Sections 10553, 10554, 16118, 16118(a), and 16141, Welfare and Institutions Code; and Section 1530, Health and Safety Code; and Section 226.51(i), Civil Code.

Reference: Sections 10553, 10554, 10800, 16000, 16115, 16116, 16118, 16119, 16120, 16120.1, and 16121, Welfare and Institutions Code; Sections 25, 62, 221, 224, 224m, 224n, 224q, 226.1, 226.2, 226.4, 226.51, 226.6, 226a, 226c, 227, 227b, 232, 239, 7001, 7002, 7003, 7004, and 7017, Civil Code; Section 1502, Health and Safety Code; Section 13290, Government Code; 8 USC 1101(b)(1)(F); 25 USC 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), and (12); ~~and~~ 42 USC 673 and 675; ~~and~~ Section 11105(a)(2), Penal Code; 28 CFR Section 16.31; and 45 CFR 1356.4(i).

- (a) In an independent adoption, the agency shall investigate the adoption after the petition has been filed and file a court report recommending whether to grant the petition to adopt in accordance with Civil Code Sections 224q, 226.2, 226.5, 226.51, and 226.6.

HANDBOOK BEGINS HERE

The relevant portions of Civil Code Sections 224q, 226.2, 226.5, 226.51, 226.6 read as follows:

- (1) (Continued)
- (2) (Continued)
- (3) "Civil Code Section 226.5: The State Department of Social Services or a licensed county adoption agency shall interview the petitioners and all persons from whom consent is required and whose addresses are known as soon as possible and in the case of residents of California within 45 working days, excluding legal holidays, after the filing of the adoption petition. In order to facilitate these interviews, at the same time the petition is filed, the petitioner shall file with the district office of the State Department of Social Services or with the licensed county adoption agency responsible for the investigation of the adoption, a copy of the petition together with the names, addresses, and phone numbers of all parties to be interviewed, if known."
- (4) "Civil Code Section 226.51(a): Notwithstanding the time limits of Section 226.5, if the person to be interviewed has been advised as provided in subdivision (b) and if there is no serious question about the suitability of the prospective adoptive family as provided in subdivision (c), the State Department of Social Services or a licensed county adoption agency shall interview at the department or agency office any person willing to be interviewed from whom consent is required within 10 working days of receiving a copy of the filed adoption petition and documentation that all of the following conditions have been met:

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (A) The person from whom consent is required has been advised pursuant to subdivision (b).
- (B) There is no serious question about the suitability of the prospective adoptive family as provided in subdivision (c).
- (C) The department or the agency has received the name, address, and phone number of the person to be interviewed and the complete report of the assessment of the prospective adoptive family.

The State Department of Social Services or the licensed county adoption agency may take the consent of the person to the adoption at this interview or subsequently."

- (5) "Civil Code Section 226.51(e): No licensed private full-service or noncustodial adoption agency, as defined in subdivisions (a) and (b) of Section 221.5, respectively, is required to provide the advice and assessment services specified in subdivisions (b) and (c). However, if an agency elects to provide these services, it shall provide both services. There is no requirement that prospective adoptive parents and birth parents use the same adoption agency for these services. If the agency has a policy that allows it to provide services only to members of specific groups, this policy shall be disclosed to families prior to the beginning of the assessment process."
- (6) (Continued)
- (7) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 226.51(i), Civil Code.

Reference: Sections 224q, 226.2, 226.5, 226.51, and 226.6, Civil Code.

(a) Prior to accepting a consent to adoption, the agency representative shall: (Continued)

(5) Interview the petitioners unless the agency has received confirmation that:

(A) The consenting parent has been advised as provided in Section 35127.1; and

(B) The assessment described in Section 35127.2 has been performed and it has been determined that there is no serious question about the suitability of the petitioners.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 226.51(i), Civil Code.

Reference: Sections 224p, 224q, 226.1, 226.2, 226.5, 226.51 and 226.6, Civil Code.

35126

DENIAL OR DISMISSAL OF ADOPTION PETITION
(Continued)

35126

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 226a, 226b, and 226c, Civil Code;
Section 1500, Health and Safety Code; and
Section 11166, Penal Code.

Amend Section 35127.1(c) and (c)(1) to read:

Article 6 - Independent Adoption Preplacement Program Act

35127.1 ADVICE TO BIRTH PARENTS - INDEPENDENT
ADOPTION PREPLACEMENT PROGRAM

35127.1

- (a) The agency shall meet with the birth parent wishing to participate in the Independent Adoption Preplacement Program prior to the placement of the child for adoption and give advice, collect information, and offer counseling as required by Civil Code Section 226.51(b).

HANDBOOK BEGINS HERE

- (1) Civil Code Section 226.51(b), in pertinent part, states:

"...The advice shall include a balanced presentation of the alternatives to adoption, the right to obtain additional counseling, the right to retain separate legal counsel, the meaning of the consent to adoption, the right to future information about the status of the adoption, the need of the child and the adopting parents for complete information on the background of the child, the content of the assessment of the prospective adoptive family, and other information determined necessary by the department. The person giving the advice shall also collect information on the background of the child from the person being advised.

Each person advised pursuant to this subdivision shall be offered at least three separate counseling sessions, to be held on different days, except that this requirement does not apply to birth fathers from whom consent for the adoption is not required. Each counseling session shall be no less than 50 minutes duration. The counseling may be provided by a representative of the department or a licensed adoption agency or by persons licensed to provide psychotherapy or counseling selected by the person. The counseling costs shall be paid by the prospective adoptive parents at the request of the birth parents. If counseling is requested prior to the placement of the child for adoption, it shall be initiated prior to the placement..."

HANDBOOK ENDS HERE

- (b) A birth mother of a newborn shall not be advised while she is hospitalized.
- (c) As part of the balanced presentation the agency shall provide the birth parent with a full explanation of each of the statements on the appropriate Independent Adoption Statement of Understanding form as provided by Sections 35095, 35095.1 and 35095.2 and shall determine that the birth parent understands the meaning of each statement.
- (1) The Independent Adoptions Statements of Understanding are:
- AD 887 For Parent Who Gave Physical Custody of the Child to Adoptive Parents (2/88 3/90)
- AD 887A For Legal Parent Who Did Not Give Physical Custody of the Child to the Adoptive Parents (10/82 3/90)
- AD 887B For Alleged Natural Father (8/87 3/90)
- AD 900 For the Parent Who Gave Physical Custody of the Indian Child to the Adoptive Parents (12/88 3/90)
- AD 900A For Legal Parent Who Did Not Give Physical Custody of the Indian Child to the Adoptive Parents (10/82 3/90)
- AD 900B For Alleged Natural Father of Indian Child (10/82 3/90)
- (d) Advice regarding alternatives to adoption shall include complete information regarding public and private services which could help the parent keep the child and temporary foster care services to give the parent time to make a decision regarding keeping or placing the child.
- (e) The agency shall collect background information about the birth parent and child, if born, as required by Section 35023.
- (f) The agency shall inquire of the birth mother about the identity of the birth father as required by Civil Code Section 7017(c).
- (g) The agency shall document the provision of the advice and, if desired by the birth parent, counseling on the "Confirmation of Advice" (AD 913 11/89) form. At the request of the person advised, the agency shall provide this completed form, a copy of the summary of the family assessment given to the person advised, the background information about the parent and documentation of the inquiry about the identity of the birth father to the Department or county welfare department investigating a proposed adoption.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 226.51(i), Civil Code.

Reference: Sections 226.51/ and 7017, Civil Code.

- (a) The agency shall assess potential adoptive parents wishing to participate in the Independent Adoption Preplacement Program as required by Civil Code Section 226.51(c).

HANDBOOK BEGINS HERE

- (1) Civil Code Section 226.51(c), in pertinent part, states:

"...The assessment shall be completed or updated within 12 months before the placement of the child for adoption. The assessment shall include consideration of those factors required by the department in a study to determine whether the prospective adoptive family and its home is suitable for a child [in an independent adoption], except those factors regarding the adjustment of the child in the home. In addition to describing fully information collected in the assessment and the conclusions of the assessment, the report of the assessment shall specify the characteristics of a child which the family would adopt including, but not limited to, age, sex, ethnicity, race, and special needs. The prospective adoptive parents and any person being advised pursuant to subdivision (b) shall be provided with a written summary of the report of the assessment..."

HANDBOOK ENDS HERE

- (b) Assessment interviews shall be conducted as described in Sections 35083(a)(1) through (4) except that the time limit in 35083(a)(1) does not apply.
- (c) The agency shall discuss the information described in Section 35085 with the prospective adoptive parents.
- (d) The agency shall obtain the documentation to facilitate assessment described in Section 35087.
- (1) A licensed private adoption agency shall obtain an FBI criminal record clearance as described in Section 35195(a)(8)(C) for prospective adoptive parents if required by Section 35087(a)(8).

- (e) The agency shall obtain identifying information and evaluate the prospective adoptive parents as described in Section 35089.
 - (f) The agency shall make a complete written report of the assessment of the prospective adoptive family. At the family's request the agency shall provide a copy of the complete report, including copies of all reports received by the agency regarding the family, to the Department or county welfare department investigating a proposed adoption by the prospective adoptive parents.
 - (g) The agency shall meet the requirement of Civil Code Section 226.51(c) regarding assessments in which there is a serious question about the suitability of the family.
- (g) (1) and (2) (RESERVED)

HANDBOOK BEGINS HERE

- (1) Civil Code Section 226.51(c), in pertinent part, states:

"If the assessment results in a determination that there is a serious question as to the suitability of the prospective adoptive family, or if the assessment is discontinued prior to completion because of such a question, the department or the adoption agency shall provide a report of the complete or incomplete assessment to the department."

- (2) The address of the SDSS Adoptions Branch is:

SDSS-Adoptions Branch
Services Bureau
744 P Street, MS 19-31
Sacramento, California 95814

HANDBOOK ENDS HERE

- (3) The Department shall provide a copy of the report regarding the complete or incomplete assessment in which there is a serious question about the suitability of the family to the District Office or county welfare department investigating a subsequent petition filed by the prospective adoptive family.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 226.51(i), Civil Code.

Reference: Section 226.51, Civil Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION
OF
APPROVAL

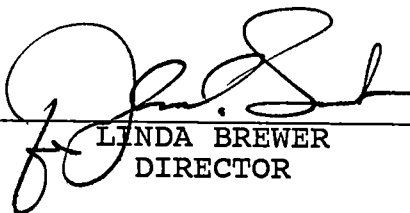
FILED
In this office of the Secretary of State
of the State of California

MAY 25 1990
At 4:22 o'clock P.M.
MARCH FONG EU, Secretary of State
By Louella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0427-01


LINDA BREWER
DIRECTOR

05/25/90

FACE SHEET

RDB# 0789-26

(See Instructions on Reverse)

1990 MAY -2 PM 3:31

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
MAY 29 1990

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

L. S. Mahal

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4-12-90

FILED

In this office of the Secretary of State
of the State of California

MAY 29 1990

At 4:07 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Louella Cruz*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)
Rosalie Clark, Chief, Regulations Development Bureau,
TELEPHONE (916) 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
(Complete Part 4 below)
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED:
SECTIONS AMENDED:
35017
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public: N/A
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
January 5, 1990
b. DATE OF FINAL AGENCY ACTION
April 12, 1990
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikethrough to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)


DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

Amend Section 35017(d)(1) to read:

35017 REQUIREMENTS FOR PHOTO-LISTING CHILDREN WHO 35017
HAVE BEEN FREED FOR ADOPTION (Continued)

(d) The agency shall defer a child's registration when the child's foster parent(s) or other identified persons have applied to adopt the child and are meeting the adoption agency's requests for required documentation as specified at Section 35195(a) and are cooperating in the completion of a homestudy pursuant to Section 35189(a).

11) A child who has been deferred due to pending applications for his/her adoption shall be listed with the photo-listing service within 90 working days of the date on which the child was legally freed, unless a notice of placement (AD 888) has been filed.

(e) Registration shall be deferred no longer than six months from the date the child was legally freed unless documentation is included in the case file which substantiates the need for further deferral resulting from delays not within the control of the prospective adoptive parents.

(f) (Continued)

(g) (Continued)

Authority Cited: Sections 10553, and 10554, Welfare and Institutions Code; Section 224b(b), Civil Code.

Reference: Sections 224b and 224b(e), Civil Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

MAY 29 1990

At 4:07 o'clock P.M.

MARCH FONG EU, Secretary of State

By Lonella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0502-02


LINDA BREWER
DIRECTOR

05/29/90

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED
In this office of the Secretary of State
of the State of California

1990 MAY 16 PM 2:22

OFFICE OF
ADMINISTRATIVE LAW

ENCL. 2577
APPROVING

MAY 29 1990

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

5-15-90

MAY 29 1990

At 4:07 o'clock P.M.

MARCH FONG EU, Secretary of State

By Luella Cruz
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE Rosalie Clark, Chief, Regulations Development Bureau TELEPHONE (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED: 63-095
SECTIONS AMENDED: 63-501.3(k) and 63-502.2(1)
SECTIONS REPEALED: _____
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER Not Applicable b. DATE OF FINAL AGENCY ACTION Not Applicable c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State. (June 1, 1990)
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

63-095

- 1

Amend Section 63-501.3 (k) to read:

63-501 RESOURCE DETERMINATION (Continued)

63-501

.3 Exclusions from Resources

In determining the resources of a household, only the following shall be excluded:

(a) through (j) [Continued]

(k) Resources which are excluded for food stamp purposes by federal statute. The following is a listing of some of the resources excluded by federal statute:

(1) through (14) [Continued]

(15) Payments received from the Agent Orange Settlement Fund or any other fund established to settle liability claims concerning Agent Orange by veterans or survivors of deceased veterans under the Agent Orange Compensation Act of 1989 (Public Law 101-201).

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Public Law 101-201.

Amend Section 63-502.2 (1) to read:

63-502 INCOME EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.2 Income Exclusions. Only the following items shall be excluded from household income:

(a) through (k) [Continued]

(1) Any income that is specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program. The following is ~~the current~~ a listing of some of the types of income excluded by federal statute: (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Public Law 101-201.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

MAY 29 1990

At 4:07 o'clock P. M.

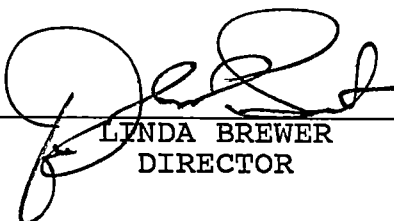
MARCH EDONG EU, Secretary of State

By Luella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0516-02


LINDA BREWER
DIRECTOR

05/29/90

FACE SHEET

(See Instructions on Reverse)

RDB #0989-34

1990 APR 30 11 3 05

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
MAY 30 1990

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

Li S. Mehl

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 4/26/90

FILED

In this office of the Secretary of State
of the State of California

MAY 30 1990

At 3:54 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Smilla Cruz*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark

Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 22

SECTIONS ADOPTED:

SECTIONS AMENDED:

83018, 83064, 83087, and 83087.2

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
December 1, 1989	April 26, 1990	N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
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- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
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Amend Section 83018(b) to read:

83018 APPLICATION FOR LICENSE (Continued)

83018

- (b) The application shall contain a health screening report on the applicant, meeting the standards required in Section 80065(g)(2).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1520, and 1531, Health and Safety Code.

Amend Section 83064 to read:

83064 LICENSEE DUTIES AND RESPONSIBILITIES
 (Continued)

83064

(c) (Continued)

(1) (Continued)

(2) When the licensee is absent from the home while children are present he/she shall provide for supervision of the children by a responsible adult unless otherwise agreed to in advance by the licensing and placing agencyies.

(d) The licensee shall not hire or require a child in placement to baby-sit children residing in the facility, including children who are members of the licensee's family, guardianship children, and children in placement.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 83087(b) to read:

83087 BUILDINGS AND GROUNDS (Continued)

83087

(b) The licensee shall provide bedrooms in the home/ ~~for all children/ including children who are members of the licensee's family~~ which shall meet, at a minimum, the following requirements:

(1) (Continued)

(2) ~~No child in placement shall share a bedroom with any child of the opposite sex~~ Children of the opposite sex shall not share a bedroom unless each child is under five years of age.

(3) No room commonly used for other purposes shall be used as a bedroom ~~by children or members of the licensee's family,~~ except as permitted pursuant to Section 80024.

(A) (Continued)

(4) (Continued)

(5) Except for infants, children ~~in placement~~ shall not share a bedroom with an adult.

(A) If two children have been sharing a bedroom and one of them turns 18, they may continue to share the bedroom as long as they remain compatible and the licensing agency has granted an exception, pursuant to Section 80024.

(6) Subsections 83087(b)(1), (2), (3), (4) and (5) apply to all bedrooms used by all children residing in the facility, including children who are members of the licensee's family, guardianship children, and children in placement.

(7) Sections 83087(b)(3) and (4) apply to all bedrooms used by the licensee(s) and all other adults residing in the facility.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 83087.2(a) to read:

83087.2 OUTDOOR ACTIVITY SPACE

83087.2

(a) (Continued)

- (1) The outdoor activity space shall include, but not be limited to, activity centers and public parks where the licensee resides in an apartment, condominium, or similar housing arrangement which does not have separate yard space.
- (2) A sketch of the physical plant as required in the plan of operation, pursuant to Section 80022, shall include the location(s) of outdoor activity space.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

MAY 30 1990

At 3:54 o'clock P. M.

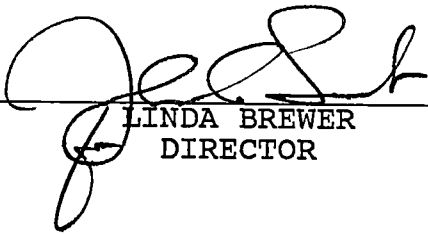
MARCH FONG EU, Secretary of State

By Linda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 90-0430-02


LINDA BREWER
DIRECTOR

05/30/90
